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PART II—Section 2

Bills and Report of Select Committees on Bills

PARLIAMENT OF INDIA

The following Bills were introduced in Parliament on the 28th February 1951 :—

BILL No. 12 OF 1951

A Bill further to amend the Inland Steam-vessels Act, 1917.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Inland Steam-vssels (Amendment) Act, 1951.

2. Amendment of section 1, Act I of 1917.—In section 1 of the Inland Steam-vessels Act, 1917 (hereinafter referred to as the principal Act), for sub-sections (2) and (3), the following sub-section shall be substituted, namely :—

“(2) It extends to the whole of India except the State of Jammu and Kashmir :

Provided that it shall not come into force in the States of Travancore-Cochin and Madras or in that part of the State of Orissa which on the 31st day of March, 1936, was included in the State of Madras, unless the State Government concerned, by notification in the Official Gazette, so directs.”

3. Insertion of new Chapter II A in Act I of 1947.—In the principal Act, after Chapter II, the following shall be inserted, namely :—

“ CHAPTER II A.

REGISTRATION OF INLAND STEAM-VESSELS

19A. Inland steam-vessels not to proceed on voyage or be used for service without certificate of registration.—(1) An inland steam-vessel shall not proceed on any voyage or be used for any service, unless it has a certificate of registration in force in respect thereof and granted under this Act.

(2) Nothing in this section shall—

(a) apply to any steam-vessel built at any place other than a place of registry and making her first voyage to any such place for the purpose of registration ; or

(b) be in derogation of the provisions contained in section 3.

19B. Place of registry and registering authorities.—(1) The State Government may, by notification in the Official Gazette,—

(a) declare such places within the territories under its administration as it thinks fit to be places of registry, and

(b) appoint registering authorities at the said places for the purposes of this Act.

(2) Every person appointed as a registering authority shall, for the purposes of any registration made by him, be deemed to be a public servant within the meaning of the Indian Penal Code (Act XLV of 1860).

19C. *Book of registration.*—At every place of registry, a book shall be kept by the registering authority in which all the particulars contained in the form of the certificate of registration shall be duly entered and such registering authority shall, immediately after registering any inland steam-vessel or, within one month at the furthest, send to the State Government a true and exact copy, together with the number, of every certificate which shall be so granted by it.

19D. *Application for registration.*—An application for registration of an inland steam-vessel shall be made by the owner or master of the vessel in such form and shall contain such particulars as may be prescribed and shall be accompanied by a copy of the certificate of survey in force issued in respect of the vessel.

19E. *Places of registration.*—(1) Every application for registration shall be made to a registering authority within the local limits of whose jurisdiction the owner of the inland steam-vessel ordinarily resides or carries on business.

(2) Where the owner applying for a certificate of registration is a company registered under the Indian Companies Act, 1913, (VII of 1913), the application may be made to a registering authority within the local limits of whose jurisdiction the principal office of the company is situate.

(3) Notwithstanding anything contained in this section, an inland steam-vessel may be registered by a registering authority in any State, although the owner does not ordinarily reside or carry on business in that State or if a company, the principal place of business of the company is not situate in that State;

Provided that the Government of the State in which the owner ordinarily resides or carries on business, or in the case of a company the Government of the State where the principal place of business of the company is situate, has accorded its previous approval thereto.

19F. *Grant of certificate of registration.*—(1) If, in respect of any inland steam-vessel, the registering authority, after making such inquiry as it thinks fit, is satisfied that the provisions of this Act or of any rules made thereunder have been complied with, it shall grant to the applicant therefor a certificate of registration comprising such particulars as may be prescribed.

(2) A registering authority may refuse to register an inland steam-vessel, if she is found to be mechanically defective, or if the applicant fails to furnish satisfactory evidence in support of any of the statements made in his application:

Provided that where the registering authority refuses to register any inland steam-vessel, it shall furnish to the applicant a statement in writing containing the reasons for such refusal.

19G. *Automatic registration of inland steam-vessels registered under the Merchant Shipping Acts.*—Where an application is made under this Act for the registration of an inland steam-vessel registered under the Merchant Shipping Act, 1894 (57 and 58 Vict., c. 60), as amended by any subsequent enactment, the registering authority shall, on receipt of such application and any fee that may be prescribed, and, on being furnished with satisfactory proof of the fact of such registration, grant to the applicant a certificate of registration under this Act.

19H. *Marking of inland steam-vessels.*—Where an inland steam-vessel has been registered under this Chapter, the registering authority shall assign to the vessel, to be displayed thereon conspicuously in the

prescribed manner, a distinguishing mark, hereinafter in this Act referred to as the registration mark.

19 I. *Prohibition against transfer of certificate of registration.*—(1) A certificate of registration granted in respect of any inland steam-vessel shall be used only for the lawful navigation of that vessel.

(2) A certificate of registration in respect of an inland steam-vessel issued by a registering authority in one State shall be valid for that State only, but where any such vessel plies in inland waters of more than one State, nothing in this section shall be deemed to require the owner or master of the vessel to obtain a fresh certificate or registration in relation to the State or States in which the vessel is not so registered:

Provided that the owner of the vessel has not ceased to reside or carry on business in the State in which the vessel was originally registered.

19J. *Registration of alterations.*—(1) When an inland steam-vessel is so altered as not to correspond with the particulars relating to her or the description entered in the certificate of registration, then the owner of the vessel shall, within such period as may be prescribed, make a report of such alteration to the registering authority of the place where the vessel is registered.

(2) The report under sub-section (1) shall be made in such form and shall contain such particulars with respect to the alteration as may be prescribed and shall be accompanied by the certificate of registration in force in respect of the vessel at the time of the report.

(3) The registering authority, on receipt of the report under sub-section (1) and on payment of the prescribed fee, shall either cause the alteration to be registered or direct that the vessel be registered anew:

Provided that where the registering authority directs that the vessel be registered anew, it shall either grant a provisional certificate describing the vessel as altered or provisionally endorse the particulars of the alteration on the existing certificate.

(4) Any provisional certificate granted or endorsement made under the provisions of this section shall be valid for a period of one month from the date thereof, within which period the owner shall cause all necessary steps to be taken to have the vessel registered anew.

19K. *Transfer of registry.*—(1) The registry of an inland steam-vessel may be transferred from one place in a State to another place in another State on the application by the owner or master of the vessel to the registering authority of the place where the vessel is registered.

(2) On receipt of such application, the registering authority shall transmit notice thereof to the registering authority of the intended place of registry with a copy of all particulars relating to the vessel.

(3) The certificate of registration in respect of the vessel shall be delivered up to the registering authority either of the existing or intended place of registry, and, if delivered up to the former, shall be transmitted to the registering authority of the intended place of registry.

(4) On receipt of the documents, referred to in sub-sections (2) and (3) and the prescribed fee, if any, the registering authority of the intended place of registry shall enter in its register book all the particulars so transmitted as aforesaid and grant a fresh certificate of registration in respect of the vessel and thenceforth such vessel shall be considered as registered at the new place of registry.

19L. *Change of residence or place of business.*—(1) If the owner of an inland steam-vessel ceases to reside or carry on business at the address

recorded in the certificate of registration of the vessel, he shall, within thirty days of the change of address, intimate his new address to the registering authority by which the certificate of registration was granted, or, if the new address is within the jurisdiction of another registering authority, to that registering authority, and shall at the same time forward the certificate of registration to the registering authority in order that the new address may be entered thereon.

(2) Where a registering authority other than the original registering authority makes any such entry, it shall communicate the new address to the original registering authority.

19M. *Prohibition against transfer of ownership of registered vessel.*—

(1) An inland steam-vessel registered under this Act in one State shall not be transferred to a person resident in another State in India or in any country outside India, without the previous approval of the Government of the State in which the vessel is registered :

Provided that where an inland steam-vessel is also registered under the Merchant Shipping Act, 1894 (57 and 58 Vict., c. 60), as amended by any subsequent enactment, this sub-section shall have effect as if for the words "the Government of the State in which the vessel is registered", the words "the Central Government" had been substituted.

(2) Subject to the provisions of sub-section (1), the owner of an inland steam-vessel registered under this Act and the transferee thereof shall, within thirty days of the transfer of ownership of the said vessel to the transferee, jointly make a report of the transfer to the registering authority within the local limits of whose jurisdiction the transferee resides or carries on business and shall also forward the certificate of registration to that registering authority, together with the prescribed fee, in order that particulars of the transfer of ownership may be entered thereon.

19N. *Suspension of certificates of registration.*—(1) A registering authority may suspend, for such period and subject to such conditions as it thinks fit, the certificate of registration of an inland steam-vessel, if it has reason to believe that after the granting of the certificate the vessel has become unfit to ply in inland waters.

(2) Where the registration of an inland steam-vessel is suspended under sub-section (1) for a period of not less than one month, the registering authority ordering the suspension shall, if it is not the original registering authority, inform that other authority of the fact of such suspension.

(3) The registering authority suspending the certificate may require the owner or master of the vessel to deliver up the certificate so suspended to itself or, if it is not the original registering authority, to that other authority.

(4) A certificate of registration surrendered under this section shall be returned to the owner when the order suspending the certificate has been rescinded or has ceased to operate.

19 O. *Cancellation of registration.*—(1) If an inland steam-vessel has been destroyed or has been rendered permanently unfit for service, the owner of the vessel shall, with the least practicable delay, report the fact to the registering authority of the place where the vessel is registered and shall also forward to that authority, along with the report, the certificate of registration of the vessel and thereupon the registering authority shall have the certificate of registration cancelled.

(2) Any registering authority may at any time require that any inland steam-vessel within the local limits of its jurisdiction may be inspected by such authority as the State Government may, by general or special order, appoint in this behalf and, if as a result of such inspection, the registering authority is satisfied that the vessel is in such a condition that it is not fit to ply in any inland water, the registering authority may, after giving the owner of the vessel an opportunity of being heard, cancel the registration of the vessel and require the owner thereof to surrender forthwith to the registering authority, the certificate of registration in respect of that vessel, if it has not already been so surrendered.

19P. *Appeals.*—(1) Any person aggrieved by an order—
 (a) refusing to register any inland steam-vessel under section 19F ;
 (b) suspending a certificate of registration under section 19N ; or
 (c) cancelling a certificate of registration under sub-section (2) of section 19O,

may, within thirty days of the date on which he receives notice of such order, appeal against it to the State Government.

(2) The State Government shall cause notice of every such appeal to be given to the registering authority concerned in such manner as may be prescribed, and after giving an opportunity to that authority and to the appellant to be heard shall pass such order thereon as it thinks fit.

19Q. *Reciprocity.*—Where the Central Government is satisfied that by the law or practice of any country outside India, inland steam-vessels having a certificate of registration in force under this Act—

- (a) obtain by reason of such registration any special exemption in that country while plying in the inland waters thereof, or
- (b) are required as a condition of plying in the inland waters of that country to comply with any special requirement, whether by way of registration anew or payment of a fee or otherwise,

the Central Government may, by notification in the Official Gazette, for the purpose of reciprocity, direct that the same exemption or requirement, or an exemption or a requirement as similar thereto as may be, be granted to, or imposed upon, inland steam-vessels registered in that country while plying in the inland waters of the territories to which this Act extends.

19R. *Power to make rules.*—(1) The State Government may make rules to carry out the objects of this Chapter.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may—

- (a) prescribe the power, duties and functions of registering authorities and the local limits of their jurisdiction ;
- (b) prescribe the form of, and the particulars to be contained in, applications for, and certificates of, registration ;
- (c) provide for the form and manner in which books of registration shall be maintained under this Chapter ;
- (d) provide for the issue of duplicate certificates of registration to replace certificates lost, destroyed or mutilated ;
- (e) prescribe, subject to the approval of the Central Government, the fees to be charged for the registration of inland steam-vessels or for any other action to be taken by the registering authority under this Chapter, and provide for the exemption of any person or class of persons from payment of the whole or any part of any such fees ;

(f) prescribe the period within which and the manner in which the owner of an inland steam-vessel shall make a report of any alteration in the vessel under section 19J;

(g) prescribe the manner in which, appeals to the State Government may be preferred under this Chapter and the fees payable in respect of any such appeal;

(h) provide for any other matter which is to be or may be prescribed under this Chapter."

4. Amendment of section 55, Act I of 1917.—In section 55 of the principal Act, after the word and figure "section 3", in both the places where they occur, the words, figures and letter "or section 19A" shall be inserted.

5. Amendment of section 56, Act I of 1917.—In section 56 of the principal Act, after the words and figures "as required by section 10" the words, figures and letter "or if the registration mark is not displayed as required by section 19H" shall be inserted.

6. Substitution of new section for section 57, Act I of 1917.—For section 57 of the principal Act, the following section shall be substituted, namely :—

"57. *Penalty for neglect or refusal to deliver up or surrender certificates of survey or registration.*—If the owner or master of an inland steam-vessel without reasonable cause neglects or refuses—

(a) to deliver up a certificate of survey when required under section 14 so to do;

(b) to deliver up a certificate of registration when required under section 19N so to do; or

(c) to surrender a certificate of registration as required by section 19 O;

he shall be punishable with fine, which may extend to one hundred rupees."

7. Insertion of new section 63A in Act I of 1917.—After section 63 of the principal Act, the following section shall be inserted, namely :—

"63A. *General provision for punishment of offences not otherwise provided for.*—If any person contravenes any of the provisions of this Act for which no other penalty is provided in this Act, he shall be punishable with fine which may extend to two hundred rupees."

8. Amendment of section 68, Act I of 1917.—In section 68 of the principal Act, for the words and figures "Chapters II and III", the words, figures and letter "Chapters II, IIA and III" shall be substituted.

9. Insertion of new section 75 in Act I of 1917.—After section 74 of the principal Act, the following section shall be inserted, namely :—

"75. *Repeal and saving.*—(1) If immediately before the day on which this Act comes into force in a Part B State, there is in force in that State any law which corresponds to this Act, such corresponding law shall, on that day stand repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any powers conferred by such corresponding law shall be deemed to have been done or taken in the exercise of the powers conferred by this Act, and any penalty incurred or proceeding commenced under such corresponding law shall be deemed to be a penalty incurred or proceeding commenced under this Act, as if this Act were in force on the day on which such thing was done, action taken, penalty incurred, or proceeding commenced."

STATEMENT OF OBJECTS AND REASONS.

The Inland Steam-vessels Act, 1917, which regulates the operations of inland steam-vessels does not provide for the registration of such vessels. According to its existing provisions, all that a steam-vessel requires, before it can be employed on a voyage or service, is a certificate of survey in force and applicable to such voyage or service. The Merchant Shipping Act, 1894, contains a provision for the registration of inland steam-vessels exceeding 15 tons burden, but failure to register such vessels is not an offence under that Act. It is now considered necessary to make it obligatory for all inland steam-vessels to be registered under the Inland Steam-vessels Act before they can be permitted to proceed on a voyage or service. The present Bill provides for this and other cognate matters. Vessels registered under the provisions of the Merchant Shipping Act, 1894, will be registered under this Act on payment of prescribed fees and the transfer of ownership of such vessels shall be subject to the approval of the Central Government.

K. SANTHANAM.

NEW DELHI,

The 27th January 1951.

BILL *No. 13 OF 1951.

A Bill to give effect to the financial proposals of the Central Government for the year beginning on the 1st day of April 1951.

BE it enacted by Parliament as follows :

1. Short title.—This Act may be called the Finance Act 1951.

2. Income-tax and super-tax.—(1) Subject to the provisions of sub-sections (3), (4) and (5), for the year beginning on the 1st day of April 1951,—

(a) income-tax shall be charged at the rates specified in Part I of the First Schedule, increased in each case by a surcharge for the purposes of the Union at the rate specified therein in respect of each such rate of income-tax and

XI of 1922.

(b) rates of super-tax shall, for the purposes of section 55 of the Indian Income-tax Act, 1922 (hereinafter referred to as "the Income-tax Act"), be those specified in Part II of the First Schedule, increased in the cases to which Paragraphs A, B and C of that Part apply, by a surcharge for the purposes of the Union at the rate specified therein in respect of each such rate of super-tax.

(2) In making any assessment for the year ending on the 31st day of March 1952, there shall be deducted from the total income of an assessee, in accordance with the provisions of section 15A of the Income-tax Act, an amount equal to one-fifth of the earned income, if any, included in his total income but not exceeding in any case four thousand rupees.

* The President has, in pursuance of clauses (1) and (3) of Article 117 and clause (1) of Article 274 of the Constitution of India, recommended to the Parliament of India, the introduction and consideration of the Bill.